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LIST OF ACRONYMS AND ABBREVIATIONS

BMP

Best management practice

CAA

Clean Air Act

CARB
California Air Resources Board
CFR
Code of Federal Regulations
CMAS
Chemical Manufacturing Area Sources
Corps
U.S. Army Corps of Engineers
CPP
Clean Power Plan
CTG
Control techniques guideline
CWA
Clean Water Act
EAF
Electric arc furnace
EO
Executive Order
EPA
U.S. Environmental Protection Agency
HAP
Hazardous air pollutant
ICR
Information Collection Request
IPC
Association Connecting Electronics Industries
IWPA
International Wood Products Association
Lautenberg Act
Frank R. Lautenberg Chemical Safety for the 21st Century Act
MACT
Maximum achievable control technology
MATS
Mercury and Air Toxics Standards
MS4
Municipal separate storm sewer system
NAAQS
National Ambient Air Quality Standard(s)
NAHB

National Association of Home Builders
NESHAP
National Emission Standard for Hazardous Air Pollutants
NGFA
National Grain and Feed Association
NPDES
National Pollutant Discharge Elimination System
NSPS
New Source Performance Standards
NSR
New Source Review
OMB
Office of Management and Budget
OSDBU
Office of Small and Disadvantage Business Utilization
PBT
Persistent bioaccumulative toxic
PCB
Polychlorinated biphenyl
ppm
Parts per million
PSD
Prevention of Significant Deterioration
RCRA
Resource Conservation and Recovery Act
RIN
Renewable Identification Number
RMP
Risk Management Program
SMA
Steel Manufacturers Association of America
SOCMA
Society of Chemical Manufacturers and Affiliates
SPCC
Spill Prevention, Control, and Countermeasure
TRI
Toxic Release Inventory
TSCA
Toxic Substances Control Act

WOTUS

Waters of the United States

VOC

Volatile organic compound(s)

Executive Summary

In accordance with Executive Order (EO) 13777, "Enforcing the Regulatory Reform Agenda," the U.S. Environmental Protection Agency's (EPA's) Office of Small and Disadvantaged Business Utilization (OSDBU) sought input on regulations that may be appropriate for repeal, replacement, or modification. In response, 68 stakeholders provided a total of 136 comments targeted towards small business concerns during the April 20, 2017, webinar (nine stakeholders); the April 25, 2017, public meeting (26 stakeholders); and the period for submitting written comments to the two dockets established for this effort (33 stakeholders).

The stakeholders include five consultants, one county representative, two environmental groups, two industry representatives, 19 industry groups, three state representatives, one tribal representative, and 35 members of the general public. A total of 136 comments were provided by the 68 stakeholders.

Stakeholders, both supporters and non-supporters of Regulatory Reform, provided specific and general comments on regulations/programs as candidates for repeal, replacement, or modification. Those in support of regulatory reform generally provided specific examples of regulations they felt were burdensome, while those that do not support regulatory reform focused on the overall impact on the environment from the absence of regulations in general.

Figures E-1 and E-2 provide an overview of the types of commenters that supported, or that did not support, the regulatory reform program.

Figure E-1. Breakdown of Stakeholder Comments that Support the Regulatory Reform Program by Type of Organization

Figure E-2. Breakdown of Stakeholder Comments that Do Not Support the Regulatory Reform Program by Type of Organization

The stakeholders who support the regulatory reform program identified 43 specific federal regulations/programs for consideration. The suggestions ranged from modifying individual requirements to conducting a complete overhaul of the program. Of these, 15 regulations/programs were mentioned by more than one commenter. The Clean Water Rule (mentioned by 8 commenters), regulations under the Toxic Substances Control Act (mentioned by 7 commenters), and the Once-In Always-In Policy of the 40 CFR Part 63 National Emission Standards for Hazardous Air Pollutants (NESHAPs) program (mentioned by 5 commenters) were the regulations/programs identified as needing repeal, replacement, or modification by the most commenters. Figure E-3 provides the regulations/programs mentioned by more than one commenter.

Figure E-3. Regulations/Programs Mentioned by More Than One Stakeholder (number of comments provided on the regulation/program provided after rule citation)

Appendix D lists all the regulations/programs identified by stakeholders as needing to be repealed, replaced, or modified.

Based on the comments received, OSDBU developed 13 specific recommendations toward reducing regulatory burdens on small businesses. The recommendations include engaging program offices in prioritizing and developing a strategy to address the comments. The recommendations also include proposed actions and measures to strengthen ongoing transparency, engagement and communications with external stakeholders to better inform and enhance the efficiency and effectiveness of rulemaking activities.

1.0 Introduction

Executive Order (EO) 13777, "Enforcing the Regulatory Reform Agenda," signed February 24, 2017, establishes the "policy of the United States to alleviate unnecessary regulatory burdens placed on the American people." Among other things, it requires each agency to create a Regulatory Reform Task Force to evaluate existing regulations and to identify regulations that should be repealed, replaced, or modified.

In implementing EO 13777, the U.S. Environmental Protection Agency (EPA) Office of Small and Disadvantaged Business Utilization (OSDBU) hosted a webinar on April 20, 2017, and a public meeting on April 25, 2017, to consult with external stakeholders and to hear which rules and regulations the stakeholders believe should be repealed, replaced, or modified, consistent with applicable law. In addition, stakeholders are submitting written comments to the Regulatory Reform docket (EPA-HQ-OA-2017-0190), as well as the docket originally opened by OSDBU specifically for this regulatory reform effort (EPA-HQ-OA-2017-0178).

This document provides information on the meetings and comments received, as well as on OSDBU's recommendations for moving forward. Specifically, as a summary of the overall comments, this document outlines the common themes, identifies possible short term actions and highlights energy-related regulations that stakeholders have identified. In addition, it offers OSDBU's recommendations for next steps towards reducing regulatory burden, followed by a more detailed summary of the oral and written comments submitted.

2.0 Summary of Common Themes

Below is a summary of the common themes that emerged from both supporters and non-supporters of Regulatory Reform.

Table 1: Summary of Common Themes of Stakeholder Comments

Supporters of Regulatory Reform

Non-Supporters of Regulatory Reform

- * Some regulations/programs are particularly harmful to small businesses, and they give large businesses an unfair competitive advantage. For example, the costs for the Oil and Gas Methane New Source Performance Standards (NSPS) leak detection and repair provisions are the same for "marginal" low-producing oil and gas wells, which are often owned by small businesses, as for large high-production wells owned by large businesses.

- * Several stakeholders generally disagreed with the premise that complying with environmental regulations causes job losses. Instead, the stakeholders believe that environmental regulations and programs create more small business jobs than they harm. Examples of the jobs created include environmental firms, site cleanup specialists, water/air quality engineering and research firms, and alternative energy material manufacturers and installers.

- * Many regulations contain provisions that increase burden without any environmental benefit. For example, one stakeholder expressed the opinion that the recent amendments to the Risk Management Plan provisions have increased the burden without increasing safety in any way.

- * Stakeholders expressed the opinion that rolling back regulations will harm the environment and erode the trust that the public has in the Agency to protect public health.

- * Several stakeholders pointed out that the uncertainty and inefficiency of the EPA rulemaking process is often more burdensome than complying with regulations. For example, one stakeholder stated that the development of the Boiler Maximum Achievable Control Technology (MACT) standard has been a 20-year process, and all the stop and starts has resulted in over \$200 million of "stranded" costs for one industry sector.

* Small businesses are negatively impacted by workers absent from work as a result of illnesses such as asthma caused by air pollution. One stakeholder believed that rolling back regulations will increase this problem.

* EPA should evaluate the impacts of existing programs/rules before modifying them or creating new programs/rules. For example, the mercury switch program has been very effective in reducing the amount of mercury released to the environment, but EPA has initiated actions to replace this program without properly considering the benefits of extending the existing program, according to one stakeholder.

* Many small businesses rely on a clean environment, such as businesses in the tourist and recreation industries. These small businesses will be severely harmed if environmental regulations/programs are rolled back and the environment is allowed to deteriorate.

* Stakeholders identified some programs that they believe are better suited to be handled by the states, rather than at the federal level. For example, states are allowed to administer their own Clean Water Act Section 404 wetland permit programs. However, only two states have been delegated this Section 404 program.

* Several stakeholders expressed the opinion that rolling back regulations will benefit large corporations more than small businesses.

3.0 Short Term Actionable Suggestions for Regulations/Programs

Of the 43 regulations/programs identified, 33 are final regulations/programs that will require the initiation and implementation of the rulemaking process through proposal and promulgation. Therefore, these are not considered programs for which short-term action is reasonable.

However, the remaining 10 regulations/programs are potential candidates for action in the short term to reduce (or avoid) regulatory burden. Table 2 lists these regulations/programs and the issues as identified by stakeholders.

Table 2. Candidate Regulations/Programs for Short-Term Action

Regulation/Program

Situation

40 CFR 60, subpart DD (Grain Elevator NSPS)

This rule was ready to be finalized, but it was never signed and is now back at EPA for review. Burden can be significantly reduced if EPA simply communicates with the industry the status of the rulemaking and the schedule for finalization and compliance.

40 CFR 63, subpart DDDD (Plywood and Composition Wood Products MACT)

EPA is in the process of collecting information for the residual risk and technology review assessment for this rule and seems to be planning an extensive information collection request that will probably require testing. Burden can be reduced by using existing information for this analysis.

40 CFR 63, subpart DDDDD (Boiler MACT)

The Boiler MACT has been a 20-year process, and all the stop and starts have resulted in millions of dollars in stranded costs. Burden can be reduced if EPA would finalize the rule.

40 CFR 63, subpart YYYYY (Electric Arc Furnace Steelmaking Area Source NESHAP)

The existing mercury switch program has been very successful, but EPA is considering moving to a more expensive and less effective mercury reduction program. EPA can simply extend the existing mercury switch program and save the Agency and the industry considerable money.

40 CFR 770 (Composite Wood Products Formaldehyde Standard)

The rule was finalized on December 12, 2016, with an effective date of March 21, 2017. EPA extended the effective date until May 22, 2017, to review the rule, but it did not extend the compliance dates. EPA can reduce the burden by adjusting the effective and

compliance dates to reasonable time frames.

40 CFR 51, subpart I (NSR/PSD Guidance)

In many locations across the country, the cumbersome Prevention of Significant Deterioration (PSD) process is being required for small changes that do not meet the situations envisioned by the Clean Air Act (CAA) for this program. EPA can develop/update guidance to reduce the burdens of this process and encourage, rather than discourage, facility expansions and improvements.

CAA Section 112(r)(1) (General Duty Clause)

It is a common practice for enforcement actions to issue penalties related to this General Duty Clause, but the lack of clear requirements leaves the industry with a high level of uncertainty about how to comply. EPA can develop clear guidance and ensure that inspectors know how to enforce these provisions.

Oil and Gas Control Techniques Guidelines (CTGs)

EO 13783 specifically requires EPA to examine 40 CFR Part 60, subpart OOOOa, which is the NSPS for oil and gas sources. EPA also issued the CTGs, which largely require the same level of control as the NSPS, except that they will apply to existing sources in ozone nonattainment areas. EPA can rescind the oil and gas CTGs and re-evaluate and select recommendations appropriate for existing sources.

40 CFR 63, Once-In, Always-In Policy

In 2007, EPA proposed to revise the General Provisions to replace the 1995 "Once-In, Always In" Policy and to allow sources to become area sources at any time and therefore no longer be subject to the rule. EPA can finalize this proposed revision, as it will greatly diminish the burden on facilities that have reduced emissions below major source levels.

40 CFR 63, Credit for Pollution Prevention

In 2003, EPA proposed to revise the General Provisions to provide regulatory relief for pollution prevention options that achieve equivalent reductions to those required by a specific regulation. EPA can reduce burden and encourage pollution prevention by finalizing this proposal.

4. 0 Executive Order 13783, "Promoting Energy Independence and Economic Growth"

EO 13783 includes two regulations identified by the stakeholders supporting the regulatory reform program:

- * 40 CFR Part 60, subpart UUUU (Clean Power Plan)

- * 40 CFR Part 60, subpart OOOOa (Oil and Natural Gas NSPS)

In addition, stakeholders requested repeal, replacement, or modification of the Clean Water Rule, particularly the definition of Waters of the United States Rule. EO 13778, "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule," orders EPA to review this rule.

5. 0 Recommendations

Based on the feedback received from stakeholders, OSDBU is recommending the following next steps toward reducing regulatory burden.

1. Prioritization of the review of existing rules that were identified as having negative impacts on small businesses.

2. Each EPA office responsible for the regulations/programs identified in Table E-2, consider the stakeholder suggestions of actions that could be taken in the short term that would reduce burden on small businesses.

3. Improve the outreach and engagement efforts of the agency's Small Business Advocacy Review (SBAR) Panel process performed under Section 609 of the Small Business Regulatory Enforcement Fairness Act (SBREFA). Share relevant information, be transparent, and be inclusive, to build trust. Some stakeholders stated that the SBAR Panel process required under SBREFA is not adequately followed and that the concerns of

small businesses are not truly considered.

4. Improve data and screening analysis. Use more appropriate measures to determine the direct compliance costs and ultimately, to determine the economic impacts of EPA regulations on small businesses.
5. Provide more meaningful opportunities for participation in forums that are intended to obtain stakeholder feedback. Share realistic data with stakeholders, consider and be transparent about regulatory options.
6. Broaden communications of proposed regulations and public calls for participation. Currently relying on the Federal Register as the main means of communication with the public concerning new regulations, is not sufficient. Direct notification, notification in small business publications, and more public hearings, would increase small business participation and awareness.
7. Consult with stakeholders early in the process to discuss regulatory options that might minimize the impacts to small businesses, while still accomplishing the environmental goal. Many stakeholders commented that basic early consultation (before rule proposal) with those who actually live and breathe their particular industry would create regulations that are easier to comply with and that have benefits for both the environment and the public.
8. Identify for small entities, relevant Federal rules which may duplicate, overlap or conflict with the proposed rule. Coordinate regulatory requirements with those already in place. Stakeholders are overwhelmed with rules that are either identical to other regulations or conflict with requirements of previous regulations, thus costing them more time, effort and money to comply.
9. Establish compliance and/or reporting requirements that take into account the resources available to small businesses, to the extent possible.
10. Establish agency small business contacts within each EPA rule writing office and each EPA region to coordinate small business outreach and compliance efforts across the agency. EPA has one Small Business Ombudsman and only three Regional Small Business Liaisons to provide assistance to the nations small business community. Additional support can improve the agency's small business outreach strategy; support the distribution of regulatory and compliance information; and strengthen direct small business contact.
11. Re-establish the agency's Informal Guidance Program. Section 213 of SBREFA requires EPA to 1) provide guidance to small entities "whenever appropriate in the interest of administering statutes and regulations", 2) establish a program for providing the guidance, and 3) issue a report to Congress regarding the program. Informal small entity advice and guidance can be considered as evidence of the reasonableness or appropriateness of penalties sought against a small entity. EPA's Informal Guidance Program is not fully staffed or supported.
12. Develop, publically post, and broadly distribute small business compliance guides and fact sheets that clearly list who is subject to the rule; how and when to comply with the rule; record keeping, monitoring and reporting requirements; who to contact for more assistance; and other important information, to help small businesses come into and remain compliant with the requirements of EPA rules. Develop the guides in Plain English and in a timely manner such that they can be of practical use to help small businesses evaluate and implement their compliance options.
13. Most of the commenters who cited regulations and programs indicated that they would submit comments to the docket. However, the comment period does not end until May 15, 2017. The docket comments summarized in this document likely only represent a small sampling of the comments that will be provided that are related to the impact of EPA regulations and programs on small businesses. After the comment period closes, program offices and OSDPU should review the final docket to obtain comments that are related to small business impacts and prepare a comprehensive summary of these comments to inform actions moving forward in response to EO 13777.

6..0 Meeting Summaries

6.1 Summary of April 20 Webinar

The following summarizes the oral comments presented in the April 20, 2017, webinar

hosted by OSDDBU. The summaries are given in the order of presentation during the webinar. Because time was still available at the end of the presentations, two presenters were allowed additional time to speak. Although 11 presenters were registered to speak at the webinar, only 9 presented comments. Appendix A contains the list of individuals that registered for the webinar.

Presenter: Bruce Motheral

Contractor

Mr. Motheral provides engineering design services for water systems. He provided the following comments on the water regulation systems in Texas:

- * Believes that regulation writers and enforcement personnel need to have a better understanding of issues that may happen in the field with the design and implementation of water systems.

- * Provided some examples of situations in the field in which the regulations cannot be met due to unique field conditions. These situations cause delays in projects and attach additional costs to the public.

Presenter: Tony Pendola

North Carolina Department of Environmental Quality

Mr. Pendola provides advocacy services to small businesses. He addressed issues with two EPA regulations-40 CFR Part 63, subpart HHHHHH Paint Stripping and Miscellaneous Surface Coatings (which he referred to as the Auto Body Rule) and 40 CFR Part 60, subpart JJJ Petroleum Dry Cleaners. He made the following specific comments on these rules:

- * Paint Stripping and Miscellaneous Surface Coatings

- o All facilities that apply coatings to motor vehicles are subject to the requirements unless they petition the Administrator for an exemption.

- o The rule was intended to regulate metal hazardous air pollutant (HAP) emissions (i.e., cadmium, chromium, lead manganese, and nickel) from the application of coatings to motor vehicles and mobile equipment. However, most of these metal HAPs have been eliminated from coatings due to regulations on the coating manufacturing industry.

- o Believes that the rule should only be applicable to facilities that use coatings with the metal HAPs and should not require a petition to the Administrator to be exempt.

- * Petroleum Dry Cleaners

- o When the rule was developed, dry cleaners used transfer machines to clean clothes. Now, the majority of facilities use dry-to-dry machines, which cannot meet some of the requirements.

- o EPA Region 4 recently performed an applicability determination and found that dry-to-dry machines do not meet the definition of dry cleaning system in the rule. However, this determination was only provided in a letter and may not be known by the majority of dry cleaning facilities or regulators.

- o Recommends either that this exemption be included in the applicability section of the rule or that the rule be eliminated.

Mr. Pendola also provided the following comments on other EPA regulations:

- * Eliminate the once-in, always-in applicability policy for major sources. Believes this policy is detrimental to small businesses, has no regulatory basis, and contradicts the definition of major source.

- * Eliminate the summertime commercial gasoline volatility requirements (summertime fuel standards). Believes that the removal of this requirement would save the public money and reduce the extra emissions from refining to meet these volatility requirements.

Presenter: Laura Rectenwald

Titanium Environmental Services

Titanium Environmental Services provides environmental consulting services to

industrial clients. Ms. Rectenwald commented on the redundancy between Clean Air Act (CAA) Title V and New Source Review (NSR) permits, permits for stormwater discharge, and the once-in, always-in major source policy. She made the following comments on these rules:

* Title V/NSR Permits

- o The requirements for public notice for Title V and NSR permits are unnecessary and are a burden to facilities. Costs for complying with this requirement can be significant, especially in big cities.

- o Proposes providing deviation reports to the state and EPA without maintaining the continuous certification dates.

- o Believes that modernization of the public notice process will reduce the burden and costs incurred by facilities.

* Stormwater Discharge

- o Believes that stormwater monitoring should be eliminated for facilities less than 25 acres if the company employs best management practices (BMPs). Quarterly stormwater monitoring takes a lot of time and is costly. Small businesses that have implemented BMPs often do not have violations and therefore should not be required to perform the quarterly stormwater monitoring.

* Once-In, Always-In Policy

- o Recommends eliminating the Once-In, Always-In Policy for major sources. Many facilities are still subject to the Maximum Achievable Control Technology (MACT) standards even though they are below the threshold of 10/25 tons per year.

- o Believes that recordkeeping, emission calculation, and administrative errors have caused many facilities to be major sources even though they are not. The Once-In, Always-In Policy has prevented these companies from removing the major source designation.

Presenter: Stephen Pavel

Private citizen

Mr. Pavel provided the following comments on the National Ambient Air Quality Standards (NAAQS);

- * Recommends reducing the NAAQS to the common ground pollution pre-air standards. Recommends applying the standards to the emission source rather than an average area and eliminate time averaging.

- * Notes that the NAAQS have reduced infant mortality rates, cardiac arrest, and other health risks in the United States.

Presenter: Danielle Cioce

Harris County Engineering Department (speaking on behalf of Nick Russo)

The Harris County Engineering Department, located in Houston, TX, executes the planning, study, property acquisition, design and construction of various buildings, roads, bridges, traffic signals, drainage improvements, parks, and other architectural and maintenance projects in accordance with certain design standards and contract documents. This department also administers 13 sets of rules and regulations, including flood plain management for Harris County. Ms. Cioce provided the following comments on the Clean Water Act (CWA) and Texas Water Code:

- * Supports the implementation of BMPs rather than numerical limits for stormwater discharges. Believes that EPA is moving towards effluent standards for the municipal separate storm sewer system (MS4) permits, which are burdensome and increase costs. Believes that BMPs are a cost-effective approach to maintaining water quality in communities. Notes that the CWA does not require MS4 permits.

- * Supports the incorporation of nutrient data with the determination of bacteria total maximum daily load. The current regulations do not include the relationship between nutrient data and bacteria. Regulations should be based on complete science for the benefit of taxpayers.

* Believes that the Water of the United States (WOTUS) rule is not clear. Requests clarification that ditches and channels are not tributaries. Believes that if ditches and channels are included, the costs and timing of infrastructure projects would increase.

Presenter: Eric S. Miller

Private citizen

Mr. Miller of Mansfield, OH, provided the following comments on the role of clean water, clean air, and a stable climate:

* Disagrees with the premise of EO 13777 that environmental regulations cost jobs and reduce prosperity. Believes that these environmental regulations have the opposite effect.

* Notes that homes and businesses are part of a community and that clean air and water makes the community prosper. Provided the example of Flint, MI, where the community and businesses suffered because of lead in the water.

Presenter: La Ronda Bowen

Ombudsman, California Air Resources Board

The Ombudsman's office assists owners of small businesses who may need technical or financial help when trying to comply with regulatory requirements. Ms. Bowen provided the following comments on EPA resources for small and disadvantaged businesses:

* Believes that programs and policies for small businesses need to be continued and fully funded. Notes that small businesses are an important part of the U.S. economy, and the programs provided by EPA are essential to this sector. This includes pollution prevention grants, advisory panels, and compliance assistance.

Presenter: Grant Carlisle

Environmental Entrepreneurs

Environmental Entrepreneurs provides services to business leaders to make a difference by helping shape policies that are good for the economy and good for the environment. Mr. Carlisle commented on the regulatory reform process, the Clean Power Plan (CPP) regulations, and automobile and heavy duty truck regulations:

* Believes that the regulatory reform process needs to be open and balanced. Suggests providing adequate notice and a 90-day public comment period.

* Believes that the CPP or similar regulation should be enacted. Believes that the CPP saves money and resources, reduces the effects of climate change, has health benefits, and is supported by the majority of Americans.

* Believes that the current automobile and heavy duty truck regulations should be kept in place. Believes that the current regulations are accepted by the manufacturing industry, reduce pollution, and provides savings to the consumer.

Presenter: Heidi McAuliffe

American Coatings Association

The American Coatings Association is a trade association working to advance the needs of the paint and coatings industry and the professionals who work in it. The organization represents paint and coatings manufacturers, raw materials suppliers, distributors, and technical professionals and serves as an advocate and ally for members on legislative, regulatory, and judicial issues. It also provides forums for the advancement and promotion of the industry through educational and professional development services. Ms. McAuliffe provided the following comments on coating and aerosol coating regulations:

* Coatings

o Recommends going back to the 2008 ozone standard of 0.075 parts per million (ppm). Believes that the new ozone standard of 0.070 ppm is forcing more areas into nonattainment, causing states to revise their State Implementation Plans and volatile organic compound (VOC) standards and increasing costs to facilities. Also recommends reviewing this standard every 10 years.

- o Believes that the once-in, always-in applicability policy should be eliminated for major sources. States that this is a policy and not a regulation and that many facilities are under the 10/25 limit but are still considered major sources. Notes the high cost of VOC control and the combustion products (carbon monoxide, carbon dioxide, nitrogen oxides) that are emitted from these controls.

- * Aerosol Coatings

- o Believes that EPA should update the reactivity factors used for the product-weighted reactivity limits in 40 CFR Part 59, subpart E (VOC Standards for Consumer and Commercial Products). States that the reactivity factors should be based on the latest science.

- o Believes that EPA should eliminate the formulation report required to be submitted by the manufacturers every 3 years under 40 CFR Part 59, subpart E. States that this report is unnecessary and is a burden to manufacturers. Notes that the same information is provided on the aerosol cans or that EPA can request this information through a notice.

6.2 Summary of April 25 Public Meeting

In implementing EO 13777, OSDBU hosted a meeting on April 25, 2017, to consult with its external stakeholders and to hear which rules and regulations its stakeholders believe should be repealed, replaced, or modified, consistent with applicable law. The summaries are given in the order of presentations during the meeting. A total of 26 stakeholders provided comments during the meeting. Appendix B contains the list of individuals that registered for the public meeting.

Presenter: J. Steven Smith

President/Chief Executive Officer, Hoosier Energy

Hoosier Energy is a nonprofit generation and transmission cooperative providing wholesale electric power and services to 18-member distribution cooperatives in central and southern Indiana and southeastern Illinois. These members service over 300,000 rural customers, and many of these customers face economic challenges. When Hoosier Energy incurs additional costs due to regulations, these costs must be passed on to these customers. Mr. Smith mentioned several regulations/regulatory programs, including the Prevention of Significant Deterioration (PSD), Mercury and Air Toxics Standards (MATS), the CPP, Power Plant Effluent Guidelines, Disposal of Coal Combustion Residuals, and the Regional Haze Rule. He said that due to the uncertainty of these rules, Hoosier Energy has over \$86 million of "stranded" resources. Mr. Smith made the following specific comments on four of these rules:

- * PSD

- o The PSD program should focus on the review of major changes. More and more, regulators are requiring that facilities undergo the full PSD process for small minor and routine changes that do not result in significant increases (maybe no increase) of emissions. EPA should make it clear that PSD only applies to major changes.

- * MATS

- o Hoosier Energy closed one of its two coal-fired plants primarily due to the costs of complying with the MATS rules.

- o It has spent \$250,000 complying with the MATS rule.

- * Disposal of Coal Combustion Residuals

- o The "one-size fits all" approach for coal ash disposal is not appropriate.

- o These residuals should be handled under State sludge permits.

- o This issue is being revisited under a settlement agreement.

- * Regional Haze

- o The authority to regulate regional haze should reside with the states, rather than EPA's approach of forcing states to implement the federal guidance.

- o The 2028 compliance cycle should be extended by 3 years.

Presenter: Jennifer Gibson

Vice President of Regulatory Affairs, National Association of Chemical Distributors

The National Association of Chemical Distributors represents chemical distributors and their supply-chain partners. It has more than 400 members, and many are small businesses based on the U.S. Small Business Administration's definition for the industry. The average member company has 26 employees and annual revenues around \$26 million. Ms. Gibson stressed that it is very difficult for small businesses to keep up with the constantly moving regulatory landscape. She specifically mentioned the following three rules:

- * Risk Management Program (RMP)

- o Believes that EPA's recent amendments to the RMP are a clear example of regulatory overreach. These changes will add significant burden without improving safety in any way. The RMP program was already robust and effective. Many of these changes were in response to the fertilizer plant explosion in West Texas. However, even if these new rules were in place and the facility in full compliance, the explosion would still have occurred.

- * CAA General Duty Clause

- o While this clause is in the CAA, EPA has never issued any regulations that provide clear requirements. Believes that it is a common practice for enforcement actions to issue penalties related to this clause, but without clear requirements it is very difficult to avoid these penalties.

- * Toxic Release Inventory (TRI)

- o Under the TRI program, EPA treats chemical distributors the same as chemical producers, although there are significant differences in the amount of releases. The distributors reported 0.004 percent of the chemical manufacturers releases. Many distributors report very small, or even zero, emissions. These facilities should be exempt from TRI reporting.

Presenter: Rev. Linda Noonan

Senior Pastor, Chestnut Hill United Church

Rev. Noonan spoke on behalf of her church, located in Philadelphia, PA, and as the mother of a child with asthma. Her comments focused on identifying what is at stake if protecting air and water is not a priority:

- * Small businesses do not have a large depth of staff and are particularly affected if their employees are not at work but out sick or out to care for sick family members. Workers will lose days on the job to illnesses resulting from a worsening environment, such as asthma.

- * CAA enforcement prevents the loss of hundreds of thousands of work hours and cases of illness related to air quality.

- * Believes those who benefit from reducing regulatory requirements are not those downwind who would be affected by increased pollution. These communities are more likely to be low income and/or people of color and include vulnerable populations such as the elderly and children.

- * Provided an example of areas around Philadelphia with high rates of particulates where the rates of asthma are higher than the average rate for the area.

- * EPA needs to continue to be supported in order to protect against existing threats and emerging risks with common sense safeguards and protections.

- * Supports fixing rules where needed but opposes the idea of arbitrarily repealing or gutting two rules for each new one.

- * Believes that what is good for the environment is also good for public health, especially for the most vulnerable, and also makes economic sense.

Presenter: James W. Conrad, Jr.

Conrad Law & Policy Counsel, representing the Society of Chemical Manufacturers and Affiliates

The Society of Chemical Manufacturers and Affiliates (SOCMA) represents specialty chemical manufacturers, distributors, and affiliated service providers. SOCMA members generally produce chemicals in small batches rather than continuously, often for larger manufacturers. About 70 percent of SOCMA's members are small businesses, with one person handling regulatory affairs as one aspect of their job. SOCMA has provided input to EPA in the past on its rules. The commenter advised that EPA should not overreach to deregulate, but rather focus on revising procedural regulations to make implementation less costly while not decreasing protection for the environment and health.

Mr. Conrad provided comments on the following regulations:

* Chemical Manufacturing Area Sources (CMAS) Final Rule

- o Specialty chemical manufacturers are area sources and not major sources. The proposed CMAS rule included an exemption for all area sources subject to CMAS from the requirement to obtain a CAA Title V permit. However, in the final rule, EPA did not include this exemption. Instead, these area sources are required to obtain Title V operating permits. SOCMA petitioned for reconsideration of the final rule, and EPA changed it so that a Title V permit is only required for a synthetic area source if a federally enforceable control device has been or is installed on an affected chemical manufacturing process unit and that control device is necessary to maintain the facility's emissions at area source levels. However, SOCMA still finds this unnecessarily burdensome for small manufacturers.

- o The exemption from the rule for research and development facilities should extend to companies that do research and development for others.

* Resource Conservation and Recovery Act (RCRA), Hazardous Waste Generator Improvements Rule, November 2016

- o EPA equates waste generators and treatment and storage facilities and therefore does not make small generators exempt from requirements, as they are intended to be. This gives EPA inspectors undue discretion in enforcement. This rule is already under review.

* Toxic Substances Control Act (TSCA), Chemical Substances when Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Recordkeeping Requirements rule, published January 12, 2017

- o TSCA requires manufacturers of new chemical substances to provide specific information to the Agency for review prior to manufacturing chemicals or introducing them into commerce. Of concern to SOCMA, the January 12 rule calls for the reporting of new nanoscale materials, although this is not required by statute. EPA already has a backlog of new chemical submissions as a result of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act), which amended TSCA; a voluntary rule is beyond EPA's resources. The need for this reporting discourages innovation and encourages the use of existing chemicals. Not requiring reporting of new nano size products would not diminish protection for environment and health.

Presenter: Brian Pope

Vice President of Strategy, CountryMark

CountryMark is a small American-owned oil exploration, production, refining and marketing company based in Indiana. It has 500 employees and is a cooperative owned by Indiana farmers. Mr. Pope pointed out that the CountryMark operations are very important to local rural communities in Indiana, and the people who work at CountryMark facilities live around the facilities. Thus, protection of the environment is very important to the company. Mr. Pope specifically mentioned the following two regulations:

* Tier 3 Gasoline Standards

- o The sulfur credit market program is extremely biased against refiners that are small businesses.

* Refinery National Emission Standard for Hazardous Air Pollutants (NESHAP) Fenceline Monitoring Program

- o Although EPA claims the costs of this program are low, the cost for small businesses relative to their operating budget is much higher than for large refineries.

- o Expressed concern that there are not enough laboratories in the country to process all the samples that will be generated at refineries under this program. This could lead to compliance issues.

- o The "step-down" provisions in the fenceline monitoring program allow less frequent sampling if concentrations are low, but it takes 8 years to get to the point that sampling would only be required on an annual basis. This "off ramp" needs to be shortened.

- o Expressed concern about public access to the data, specifically, that EPA needs to develop how these data will be communicated to the public.

Presenter: Bill Perdue

Vice President for Regulatory Affairs, American Home Furnishings Alliance

The American Home Furnishings Alliance represents more than 400 companies that produce home furnishings, and over 90 percent are small businesses. They are part of a sector that creates over 100,000 jobs. Mr. Perdue highlighted the Composite Wood Products Formaldehyde Standard (the "formaldehyde rule") in the following comments:

- * This industry already must comply with the California Air Resources Board (CARB), so formaldehyde is well controlled as all/most of the furniture made complies with the CARB rule.

- * EPA's rule largely mirrors the CARB rule, with one major exception. The definition of fabricated laminated products lumps together the manufacturers of these products and the finishers that use these products to create furniture. This rule would result in over \$10 million of new compliance costs to these finishers with basically no formaldehyde reduction or environmental benefit.

Presenter: Fern Abrams

Director of Regulatory Affairs and Government Relations, Association Connecting Electronics Industries

The Association Connecting Electronics Industries (IPC) represents about 1,700 printed circuit board and electronics manufacturing service companies in the United States; 80 percent are small and medium-size businesses. IPC supports cost-effective and science-based regulations and only seeks to identify regulations that pose a burden without environmental benefits.

Ms. Abrams provided comments on the following regulations:

- * TRI reporting

- o TRI is a reporting regulation; it does not control releases but only documents storage and use.

- o TRI requirements include an exemption for small businesses, but these are defined as entities with 10 employees or fewer; this is too small to represent the size of a small manufacturer. EPA should consider revising the definition to take into account the characteristics of a small manufacturer.

- o In 2001, EPA lowered the TRI reporting threshold for lead and lead compounds from 25,000 pounds to 100 pounds based on EPA's classification of lead as a persistent bioaccumulative toxic (PBT) metal. As a result, the reporting burden increased greatly. Thresholds for reporting releases of lead mean that 84 percent of forms filed by manufacturers account for only 6 percent of the lead released, and many facilities report zero releases of lead but still must spend about \$4,000 per facility to prepare the report because of the low threshold. IPC believes that the PBT methodology is more appropriate for organic compounds and should not be used to evaluate metals. EPA should reconsider the lowered threshold and look to the Metals Assessment Framework for evaluating lead, not one intended for organic chemicals.

- o IPC will also make comments on range reporting and de minimis quantities.

- * RCRA

- o IPC shares SOCMA's concerns.

- o Believes that the November 2016 RCRA Hazardous Waste Generator Improvements Rule

clarified matters and brought efficiency, but also made it such that any violations of the conditions for exemption as a very small generator - even minor - would cause the facility to be treated at the same level as the largest generator. EPA should revisit this portion of the rule.

Presenter: Jess McCluer

Vice President of Safety and Regulatory Affairs, National Grain and Feed Association

The National Grain and Feed Association (NGFA) has more than 1,000 members that operate more than 7,000 facilities across the United States. A majority of its members are small businesses. Mr. McCluer specifically spoke about the Grain Elevator New Source Performance Standards (NSPS):

* The development of the Grain Elevator NSPS has been a 10-year journey. The rule was finalized in 2007, but amendments were proposed. At one point in this process, the Office of Management and Budget (OMB) indicated the rule was significant, so it went to OMB for review. NGFA submitted comments to EPA and OMB, and the final amendments were ready to be signed. However, the previous Administration did not sign the rule, and now it is back at EPA for review. The assumption is that the 2007 rule still applies. However, EPA should clarify the status and next steps with this rule.

Presenter: Martha Marrapese

Partner, Wiley Rein LLP, representing the NanoManufacturing Association

The NanoManufacturing Association is an alliance of nanomanufacturers and related associations, including many small businesses, affected by EPA's January 2017 rule to report new nanoscale materials under TSCA.

Ms. Marrapese provided the following comments on the rule:

* Believes that the rule goes well beyond reporting requirements per TSCA section 8(a). While companies with existing materials have 1 year to report, those putting the material into commerce for the first time would have to file lengthy forms at least 135 days in advance of commercialization, without a sunset period. Although the preamble indicates that a company can go to market as soon as this information is submitted, it is not stated in the rule itself, and even the most hazardous chemicals do not have this requirement.

* Preparation of each report costs about \$9,000. The rule poses a hidden cost on small businesses. Although small manufacturers or processors are exempted from reporting, the rule defines "small" as a company that has sales of less than \$11 million per year. While this threshold was raised from the draft rule, in this industry a small business has annual revenues closer to \$22 million.

* The reports call for a lot of new information, and there is a lot of uncertainty about the information needed and how to interpret the rule. However, EPA will not issue guidance until after the effective date of the rule (May 12, 2017). Although the rule was originally proposed by EPA in 2011, it only came out in final form after TSCA reauthorization.

* Believes that nanomaterials should be treated as existing substances rather than new materials.

Presenter: Nick Goldstein

Vice President of Regulatory Affairs and Assistant General Counsel, American Road and Transportation Building Association

The American Road and Transportation Building Association represents the private and public transportation sectors that build roads and transportation systems. The sectors provide 3.3 million jobs, and around 94 percent of the industry is made of small businesses with annual revenues less than \$35 million. Mr. Goldstein provided comments on the following two regulatory programs:

* NAAQS

o Believes that the constant review and revision of NAAQS, and the subsequent development of new implementation plan requirements, is very harmful to the transportation sector. A major reason for this harm is that federal highway funds are tied to attainment status. Therefore, this constantly changing landscape means states

and cities are reluctant to plan long-term transportation projects due to the uncertainty of future federal funding.

- o Recommends that EPA take into account the air quality improvements that have occurred and that continue to occur from one NAAQS change before lowering a NAAQS again and starting the clock over, essentially "moving the goalposts."

- * Transportation Conformity Process

- o Believes that the transportation conformity process is not really following the requirements of the CAA and has lost the focus on any aspect that affects air quality. Rather, the process is focused entirely on "dotting the i's and crossing the t's," and environmental benefit has been lost. EPA should change this schedule-based "stop-gap" approach to focus on long-term solutions.

Presenter: Theresa Pugh

Consultant, Theresa Pugh Consulting

Ms. Pugh provides advocacy and other consulting services to a variety of industries with a focus on environmental regulations. She provided comments on NSR/PSD; Startup, Shutdown, and Maintenance; the CPP; and 40 CFR Part 60, subpart OOOOa (the Oil and Gas Methane NSPS), as well as on the SBREFA process. In addition, she provided a general comment about EPA's transparency (or lack of) in identifying industries potentially affected.

Ms. Pugh made the following comments:

- * Recommends that the NSR/PSD guidance be repealed. EPA should return to prior guidance. In other leading industrial counties (e.g., Japan, Canada), permitting comparable to NSR/PSD encourages modifications that improve performance. This is unlike EPA's program, which is a major discouragement for industry to perform upgrades to its processes (even if the result is a net environmental benefit).

- * EPA should repeal the startup, shutdown, and maintenance regulations.

- * EPA should repeal the CPP, and EPA should focus on inside the fenceline.

- * Believes that the equipment leak repair provisions in 40 CFR Part 60, subpart OOOOa, are unworkable for the pipeline transmission industry. The rule requires that repairs be made within 30 days of finding the leak. In many cases, this will require a shutdown of the pipeline, which will disrupt delivery and cause problems for customers. EPA should revise the rule to allow a longer period before repairs are required for pipelines so that repairs can be made during low-demand periods.

- * Believes that EPA needs to be more attentive to the SBREFA process. Cited examples where it was done well and the input of small businesses was truly considered (e.g., polychlorinated biphenyl (PCB) rule and 316(b) rule. Believes EPA just "checked the box" in other cases and did not value any of the input from small businesses (CPP, RMP, utility MACT).

- * Believes that EPA must be more transparent when it is proposing requirements that could affect additional industries (other than ones being directly impacted) in the future by the setting of a precedent. Cited the Ferroalloys MACT, which requires a specific camera technology to detect leaks of particulate matter. Although the two plants in the U.S. ferroalloys industry that will be impacted by the rule were aware of it and could therefore provide input, EPA was clear that it intends to require this camera technology to many/all industries that emit particulate matter in the future. However, the preamble only indicated that the ferroalloys industry was affected.

Presenter: Paul Schlegel

Director, Energy and Environment Team, American Farm Bureau Federation

The Farm Bureau is a federation of state Farm Bureaus and represents farms and ranches.

Mr. Schlegel provided a written copy of his talking points to EPA at the meeting, which are provided in Appendix C. Following is a summary of his comments on the CWA regulations:

- * WOTUS Rule, effective August 2015

- o Supports the agency's review, announced in February 2017, of the rule, which should be repealed and the issue of jurisdiction revisited.

- * CWA Section 404(f)

- o Believes that, although the CWA includes an exemption for "normal farming" activities, EPA continually promulgates regulations to restrain or restrict this exemption.

- o EPA should not infringe on these exemptions given by Congress.

- * Prior Converted Croplands

- o These are wetlands converted to agricultural lands before 1985. The preamble of the 1993 EPA and U.S. Army Corps of Engineers (Corps) rule states that once land has been converted to cropland, it is exempt from CWA Section 404, which protects wetlands. However, EPA has not followed this in practice, holding that such lands are only exempt as long as they remain farmland.

- o The status of prior converted croplands needs to be clarified.

- * Wetlands Manuals:

- o EPA states that the 1987 Corps wetlands delineation manual should be used. The manual includes three criteria that must be present to find an area a wetland (based on vegetation, soils and hydrology). In practice, regional delineation manuals that do not necessarily include all three criteria are used.

- o EPA should call for use of a consistent manual that is put through the rulemaking process.

- * Spill Prevention, Control, and Countermeasure (SPCC) Rule:

- o EPA has discretion to determine the threshold for farms and has chosen to take the strictest interpretation for farms.

- o Believes that farms have never posed an issue in this area and as such should have greater flexibility.

Mr. Schlagel also commented on the Agricultural Worker Protection Standard under the Federal Insecticide, Fungicide, and Rodenticide Act:

- * The standard is intended to protect agricultural workers with regard to pesticides. Under it, farmers are obligated to surrender proprietary records to a third party. The third party would have the ability to disseminate these proprietary records. They could be used, for example, to organize protests of a farm using a registered pesticide.

Presenter: Marcia Kinter

Vice President, Specialty Graphic Imaging Association, also representing the Graphic Arts Coalition

The Specialty Graphic Imaging Association represents more than 35,000 screen and digital printing facilities with an average of 15 employees each. The intent of the association's comments is to maintain environmental protection but reduce the burden where costs are imposed with no additional environmental protection.

Ms. Kinter provided the comments on the following regulations:

- * 40 CFR Part 63 NESHAP General Provisions

- o In 2003, EPA proposed to revise the General Provisions to provide regulatory relief for pollution prevention options that achieve equivalent reductions to those require by a specific regulation. However, the final rule did not include this relief. EPA should add it now.

- o In 2007, EPA proposed to revise the General Provisions to replace the 1995 Once-In, Always-In Policy and to allow sources to become area sources at any time and no longer be subject to the rule. This revision was never finalized. EPA should do so now.

- * SPCC definition of "oil":

- o Under the SPCC program, the requirements for products that are "oil" should not be extended to "oil in any product." Instead, products that are not oil are regulated as

such. For example, inks that contain oil but have the consistency of peanut butter, and as such do not spread, require spill control measures to be taken, although they are not needed.

- o EPA should revise this interpretation.

Presenter: Tim Hunt

Senior Director of Air Quality, American Wood Council

The American Wood Council represents an industry that employs over 400,000 people in the United States, and about 200,000 of these people work for small businesses. About 65 percent of the total value of shipments from the industry are from small businesses. Mr. Hunt presented comments on the following two rules:

* Plywood and Composition Wood Products MACT

- o As EPA moves forward to address risk and technology review, it will likely regulate small sources of emissions that were not covered by the original rule. Believes that the appropriate means to address these emissions is through work practice standards.

- o For the risk and technology review, EPA has developed an Information Collection Request (ICR) that will be used to gather data for the risk and other analysis.

* As drafted, responding to this ICR will be very expensive to the industry. Believes that the test plan requirements could cost the industry about \$10 million. EPA has sufficient data to develop the standards, and work practice standards are the appropriate means to address the issue.

* The industry also needs more time than proposed by EPA to complete the surveys.

* The survey should be limited to only the major operators.

* They survey should exclude operating data.

* Boiler MACT

- o This has been a 20-year process, and all the stop and starts has resulted in over \$200 million of stranded costs. EPA should complete the rule so there will be certainty in the industry.

Presenter: Jeffrey Leiter

Bassman, Mitchell, Alfano & Leiter, representing the Independent Lubricant Manufacturers Association

The Independent Lubricant Manufacturers Association represents more than 350 companies that produce automotive and metalworking lubricants.

Mr. Leiter provided the comments on the following regulations:

* TSCA:

- o EPA has indicated that it was considering banning mid- and long-chain chlorinated paraffins, which would result in a cost of more than \$70 for manufacturers and their customers to reformulate their metalworking fluids.

* SPCC:

- o Appreciates the concept of the SPCC program, to keep spills of oil from leaving a property, but believes that EPA's SPCC program is burdensome. EPA is under a requirement from a court settlement to expand the program beyond oil to other substances, besides water, stored in a tank. Tank farms store many such substances and would face costs of more than \$100 million as a result. Requests that EPA reopen the matter with the court.

- o The WOTUS Rule would also expand the number of facilities subject to SPCC regulations.

- o SPCC requires periodic integrity testing of tanks. This requires hiring specialized contractors at a high cost per tank. These requirements could be relaxed in cases where issues with spills have not occurred. The rule allows facilities the flexibility to determine the qualifications of the personnel performing the tests and inspections, and the frequency and type of testing and inspections, but EPA inspectors do not always

recognize such equivalency.

Presenter: Sara Sass

Private citizen

Ms. Sass expressed her support for the CWA and her opposition to any revision or repeal of its regulations, which are needed to protect all rivers.

Ms. Sass made the following comments, focusing on the James River in Virginia:

- * Small businesses along the river, such as those in recreation and tourism, depend on the health of the river for their business. Believes that EPA needs to consider them, not only the needs of "industry" small businesses, in determining the potential impacts of regulations and any repeal or lessening of their protections.

- * These small businesses are impacted by the pollutants that large and small industries have emitted into the rivers. For example, fishing licenses bring revenue to the state, but the demand for them declines after a spill.

- * Cost may be an excuse for small businesses not to comply with a rule, but the cost can be greater if they do not comply. Spills of toxic chemicals result in both health risks and costs.

- * Pesticides used by any type of business, large or small, pose a risk. The runoff of stormwater brings more pollutants into the water.

- * Without regulations, there is a risk to all citizens, and EPA has an important role to preserve natural resources for the use of all.

Presenter: Ivy Main

Volunteer with the Sierra Club and Renewable Energy Chair

As the Sierra Club's Renewable Energy Chair, Ms. Main promotes small wind and solar businesses. She commended EPA's progress in protecting the environment, now in a time of crisis as industrial producers wished to be relieved of burden. She expressed concern about the short notice of the meeting, perceived lack of speaking slots, and the lack of assigned time slots, which makes public participation difficult and means that not all who wanted to speak could do so.

Ms. Main made the following comments:

- * EPA should not set aside public health, and its responsibility to the public, to help business, even small businesses.

- * Believes that American ingenuity will always find a way to comply with regulations without losing businesses. Industry has responded positively to restrictions on chlorofluorocarbons and unleaded gasoline, for example.

- * Cited an enforcement case where a company maintained that it could not comply because of cost. However, the company subsequently find a way to comply while also saving money. When it came to setting a fine based on the amount of money saved through its noncompliance, the company made the case that it therefore owed nothing.

- * New businesses are now involved with renewable energy and will be affected by changes to environmental regulations that lessen protections aimed at traditional energy companies.

- * The United States has become the world's largest economy while also protecting the environment.

Presenter: Etta Albright

Private citizen

Ms. Albright's comments focused on addressing the importance of EPA and noted that the most important stakeholders for EPA are grandchildren and future generations. As such, there is no such thing as a small violation, whether by a small or a large business. She felt that greater public participation in this EPA information gathering process would occur if such events were hosted by the EPA regions.

Ms. Albright made the following comments:

* Rather than roll back regulation, EPA should look at further opportunities to protect public health and spur innovation, such as requiring catalytic converters on gas-powered mowers and keeping chemicals out of dryer sheets.

* Those who would roll back EPA should remember the past. Previous attitude to pollution in the 1970s was that it was a necessary side effect of jobs. However, pollution became a problem and caused health effects. Although industry denied the problem, the CAA was later enacted.

* It is important to recognize the environmental side effects, such as acid rain and air pollution, of modern conveniences.

* EPA should not deny climate change and deny science. The Agency should not be intimidated by short-sighted personalities that do not understand the global impact of their behaviors.

* Believes that EPA needs to restore trust, truth, and transparency in the process of government in order to engage all citizens.

Presenter: Claudia Crane

Private citizen

Ms. Crane noted that the location of these public meetings in Washington, DC, made them difficult to attend.

Ms. Crane made the following comments:

* EO 13777 came on the heels of the January 30, 2017, Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs, which calls for the identification of two existing regulations to be repealed for every new regulation proposed.

* Believes the Administration wants economic development without regulation and will not admit that human activity has caused environmental problems.

* Market demand is driving the country towards renewable energy regardless of any rollback in regulations.

* Climate change is important to address because it also impacts business, for example in terms of flooding.

* Many large corporations, as well as the public, are still committed to addressing climate change.

* EPA should not roll back the CAA, Mercury and Air Toxics rule, the CPP, and the Cross State Air Pollution rule.

* Taxpayer money should not be used towards polluting practices or products.

* The government should ask citizens to find a way to reduce their use of resources as a patriotic duty.

Presenter: Jim Doyle

President, Business Forward

Business Forward provides input on policy issues affecting America's economic competitiveness from the perspective of business. The group is compiling about 500 comments from its business leader members to submit to EPA. About 95 percent of the comments support action on climate change. The comments identify the weather-related impacts on all types of business, in terms of foot traffic, travel delays, and supply chain interruption, as potential concerns related to climate change.

Mr. Doyle made the following comments on the CPP:

* Believes the CPP will not increase costs much and will not affect many businesses. No business owner the commenter has interacted with believes that they will shut down because of cost increases caused by the CPP.

* On the other hand, the impact to supply chains from climate change will pose a larger problem for business. Unexpected downtime will result from storms disrupting supply chains.

Presenter: Michael Mittelholzer

Assistant Staff Vice President, Environmental Policy, National Association of Home Builders

The National Association of Home Builders (NAHB) is a federation of more than 700 state and local associations and represents more than 140,000 members. The majority are small businesses with less than 12 employees. Mr. Mittelholzer noted that regulations at all levels of government account for 25 percent of the cost of a new home. He observed that agencies are already required to review rules, even prior to the EO, and EPA was already reviewing some of interest to NAHB.

Mr. Mittelholzer provided comments on the following regulations:

* WOTUS Rule

- o Believes required permits under CWA Section 404 are costly and time consuming to obtain. The average cost for a permit to dredge and fill a wetland under Section 404 is \$270,000 and takes 850 days. Nationwide Permits, which streamline the process for certain activities, cost \$30,000 and take an average of 313 days to obtain. These costs do not include fees for mitigation projects.

- o EPA is already reviewing the WOTUS rule; believes the WOTUS rule should be revised to have a clearer definition of WOTUS.

- o Congress prefers states to regulate, instead of the federal government, and CWA Section 404(g) allows for states to administer their own permit programs. However, only two states have been delegated the Section 404 program. Believes EPA should continue the former administration's progress in examining barriers to states taking on the program.

* Construction General Permit Stormwater Pollution Prevention under CWA Section 402

- o If a state administers Section 402 programs (National Pollutant Discharge Elimination System (NPDES)), then the same parcel of land is regulated twice. The requirements for a Stormwater Pollution Prevention Plan apply to both the major developer and also to those working on individual lots.

- o Believes compliance costs could be reduced if builders within a subdivision use a voluntary compliance template that NAHB worked on with EPA ("Small Residential Lot Stormwater Pollution Prevention Plan Template"). EPA should move beyond considering such a tool as guidance only so that it can count for compliance.

* TSCA Lead Renovation, Repair, and Painting Rule

- o Believes it is appropriate to avoid disturbance of lead-based paint.

- o The rule requires that firms performing renovation, repair, and painting projects that disturb lead-based paint in homes, child-care facilities, and preschools built before 1978 have to have their firm certified by EPA or an EPA-authorized state, use certified renovators who are trained by EPA-approved training providers, and follow lead-safe work practices.

- o EPA recognizes three lead test kits (two available nationwide) for use in identifying whether lead is present in a home for the purpose of complying with the rule.

- o Finds that the EPA-recognized lead test kits are unreliable. They have false positives about two-thirds of the time, so homes where there is no lead paint or where lead is at very low levels are having to apply the rule.

- o Believes EPA should review the cost-benefit analysis of this rule and review its applicability to ensure that it is tailored to those homes with the highest risk (i.e., those constructed before 1960).

Presenter: Joe O'Donnell

Manager, Government and Public Affairs, International Wood Products Association

The International Wood Products Association (IWPA) represents suppliers of all types of international wood products. Many of its member companies are small family-owned businesses. Mr. O'Donnell commented on the TSCA Composite Wood Products Formaldehyde Standard:

* Believes that the standard will result in higher prices and loss of jobs, primarily because of the delays in the effective date and subsequent compliance dates. The rule was finalized on December 12, 2016, and the effective date was set as March 21, 2017. On March 20, EPA extended this effective date until May 22, 2017, as part of the President's Regulatory Freeze Pending Review directive.

* Although IWPA supports the review of the rule, EPA must also extend the compliance dates accordingly. Compressing the time frame between the effective date and the compliance date make it practically impossible to bring the supply chain into compliance by the compliance dates.

* Believes that the labeling requirements will be very confusing. Voluntary labeling should be allowed early to start the process of bringing all the supply chain into compliance with these labeling requirements.

Presenter: Samantha McDonald

Director of Government Relations, Independent Petroleum Association of America

The Independent Petroleum Association of America represents independent oil and natural gas producers in the United States, and its membership includes a strong small business component. Ms. McDonald explained that these small businesses are the primary operators of the "marginal wells" in the United States. A marginal oil well produces about 2.7 barrels of oil per day, and a marginal gas well produces around 22,000 cubic feet of gas per day. Approximately 80 percent of U.S. oil wells are marginal wells, and about two-thirds of the gas wells are marginal. Oil and gas well production depletes over time, and the natural progression is that large companies originally drill and operate the wells and then sell them to small businesses as their production declines to these marginal levels. She believes that EPA's regulatory programs fail to recognize the impact of regulations on these marginal wells. Ms. McDonald specifically mentioned the following three regulatory programs as particularly harmful to the small businesses operating marginal wells:

* Oil and Gas NSPS (40 CFR Part 60, subparts OOOO and OOOOa)

o Because these standards apply to new sources, it is thought that they have a limited impact on small businesses. However, the requirements imposed by these NSPS apply over the life of the wells. Believes that the leak provisions are especially harmful because they result in ongoing costs rather than to one-time capital costs. As the well production declines, the cost effectiveness of this leak program increases. By the time the well becomes marginal and a small business may wish to purchase it, these costs are prohibitive. When EPA proposed subpart OOOOa, it included an exclusion for low-producing wells. However, EPA removed this exclusion in the final rule. Notes that this rule was specifically identified for review under EO 13783, and believes that this review must reinstate the exemption for low-producing wells.

* Oil and Gas CTGs

o The Oil and Gas CTGs will apply to existing sources in ozone nonattainment areas. Believes that these guidelines, which mirror those in the NSPS, do not recognize the impacts on small operators with low-producing wells. They also do not recognize a difference in applying controls on new sources versus the low-producing marginal wells. EPA should suspend or withdraw the CTGs and thoroughly assess the impacts on small businesses.

* Oil and Gas Effluent Guidelines

o The Oil and Gas Effluent Guidelines include pretreatment standards that apply to onshore unconventional oil and gas extraction facilities that discharge to publicly owned treatment works. Although these standards target unconventional formations, they do not exclude the conventional formations that had been developed for decades prior to the shale gas boom. These conventional wells are largely operated by small businesses.

o The guidelines prohibit discharges to publicly owned treatment works from oil and natural gas facilities. This denies the use of environmentally acceptable options such as underground injection or recycling.

Presenter: Martha Roberts

Senior Manager, Climate & Air Policy, Environmental Defense Fund

The Environmental Defense Fund considers the Administration to be attacking environmental and health safeguards. This would result in more pollution, early death, more asthma attacks, and missed school and work. EPA should strengthen regulatory safeguards, not roll them back. Environmental protection is supported by the public. It helps save lives and avoid illness, and it creates opportunities for economic savings and growth. Robust economic growth has accompanied environmental protection in the United States, and the two are not at odds.

Ms. Roberts provided comments on the following programs and regulations:

* Federal Clean Car Standards:

- o These General Mobile Source programs, including greenhouse gas reduction and fuel efficiency standards, reduce consumer spending fuel.

- o The U.S. automobile industry has returned to profitability even as environmental standards were strengthened.

* Clean Energy Programs (renewable energy and energy efficiency initiatives, including waste and transportation programs):

- o The clean energy market is growing. Clean energy industries employ more people than the coal industry does, including people in rural and minority communities.

* TSCA and Chemical Safety:

- o The Lautenberg Act reforming TSCA requires EPA to review the safety of new and existing chemicals and makes more information about chemicals available by limiting companies' ability to claim information as confidential.

- o To implement the law, EPA needs to remain a credible regulatory agency.

- o Believes that industry seeks to tie EPA's hands in its ability to obtain information on chemicals, which undermines public trust.

Presenter: LeAnn Johnson

Perkins Coie LLP, representing a coalition of small refinery owners

Ms. Johnson provided the following comments on 40 CFR Part 80, subpart M, Renewable Fuel Standard:

- * Believes that this standard benefits big oil companies and large retailers. It does not meet its goals to reduce greenhouse gas emissions or dependence on foreign oil. Instead, it increases dependence on foreign biofuels.

- * Congress intended to increase renewable fuel blending, which has not happened under this standard. Instead, large refineries blend renewable fuel with fuel they produce. Small refineries cannot blend enough renewable fuel into their finished products and therefore must purchase credits, called Renewable Identification Numbers (RINs), which are open for anyone to purchase.

- * Large refineries sell RINs to small refineries and are profiting from them while thwarting the purposes of the program.

- * Refineries that do not have to blend do so in order to sell RINs, driving up their prices. This harms small business and does not serve the regulatory intent. RINs represent one of the highest costs of small refineries.

- * Small refineries can receive a hardship exemption, and many small refineries did so in the first years of the rule. However, an EPA and U.S. Department of Energy addendum issued in May 2014 (the "midnight addendum") changed the scoring to qualify for this exemption. Believes this change makes it nearly impossible for a small refinery to receive the exemption unless almost bankrupt. Large refineries are now buying the smaller ones.

- * EPA should change the definitions of "obligated party" and "renewable fuel blender" to stop the unfair practice of selling RINs.

- * The 2014 addendum that changed scoring for the hardship exemption should be rescinded.

Presenter: Eric Stuart

Vice President Energy and Environment, Steel Manufacturers Association of America

The Steel Manufacturers Association of America (SMA) represents electric arc furnace (EAF) producers in North America. Member companies produce steel from recycled steel scrap. The industry employs over 60,000 people. Mr. Stuart provided the following comments on steel production from EAFs:

- * The industry has problems competing with EAF producers in China and other countries where the EAF industry is not subjected to the same level of regulation, although issues other than environmental regulations also contribute to this challenge.

- * While this industry is heavily regulated, it is committed to environmental protection, and its core values include compliance with all environmental regulations.

- * An example is the industry's efforts to get rid of mercury-containing switches, which has resulted in preventing more than 7 million tons of mercury from being introduced into the environment. However, EPA is gathering data and evaluating moving from this highly successful program to a more expensive and less effective program. While SMA is working closely with EPA on this effort, believes that the best option is to simply extend the existing mercury switch program.

- * EPA could modify regulations to be less costly while still being effective by (1) streamlining the permitting process, (2) reducing the reporting and recordkeeping burdens, and (3) improving the models used to predict environmental impacts.

7.0 Docket Summaries

This section summarizes written comments placed in to dockets EPA-HQ-OA-2017-0178 and EPA-HQ-OA-2017-0190 in response to EO 13777 as of May 2, 2017. The dockets were searched using the keywords "small business" to identify comments that focused on small business issues.

7.1 Docket: EPA-HQ-OA-2017-0178

Tyrel Stevenson, Coeur d'Alene Tribe

Docket ID: EPA-HQ-OA-2017-0178-0017

- * Recommends extending the expiration period for environmental site assessments in the interest of streamlining the fee-to-trust process. The regulations at 25 CFR Part 151 governing the acquisition of properties in trust for tribes or individuals require such an assessment, and the current 180-day expiration date is often unreasonably short for the fee-to-trust process.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0178-0012

- * Supports a number of EPA programs, including the small minority business assistance program.

- * Believes that EPA protects the most vulnerable of our citizens, namely the poor and children, and minorities.

7.2 Docket: EPA-HQ-OA-2017-0190

Jeff Sims, President, Truck Trailer Manufacturers Association

Docket ID: EPA-HQ-OA-2017-0190-0442

The Truck Trailer Manufacturers Association represents more than 70 trailer manufacturers with offices and plants located in more than 33 states. Most of these manufacturing companies are small businesses, and together they manufacture nearly all of the heavy-duty truck trailers sold and operated in the United States. Mr. Sims provided the following comments:

- * Rescind the requirements for trailer manufacturers in the Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase

2. These requirements mandate the installation of side skirts, trailer tails, low-rolling resistance tires, and tire monitoring/inflation systems on most trailers manufactured and sold in the United States beginning in 2018.

* These small businesses will incur substantial expenditures for parts inventory and for reconfiguring manufacturing plants and assembly lines to enable installation of the required devices.

* Believes that aerodynamic equipment provides reduced fuel consumption for trailers used on long hauls, but side skirts and trailer tails add significant weight to trailers and thus are counterproductive in multiple short-run operations and at lower speeds.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1098 & -1099

* Small business owner who opposes any rollback of EPA regulations and believes that the EPA should be fully funded and supported.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1309

* Opposes the power that EPA has over small businesses.

Alan Lowenthal, Public comment

Docket ID: EPA-HQ-OA-2017-0190-1683

* Believes that EPA regulations have a direct positive impact on citizens and no real effect on businesses.

* Believes that any decline in small businesses is a result of large businesses and their unfair practices and the fact that much of the small business work is becoming automated.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1427

* EPA regulations create jobs for small businesses that assist industry in complying with these regulations.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1446

* Supports the current water regulations and believes that repealing or rolling back any regulations regarding clean water will hurt small businesses and increase health care costs.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1498

* Supporting the environment provides a stronger economy. Believes that relaxing these regulations will hurt tourism, both large and small businesses, and quality of plant and animal life.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-1667

* Supports the methane regulations for the oil and gas industry. States that jobs associated with detecting and repairing methane leaks are performed by small businesses that have experienced up 30-percent business growth in states with methane regulations. This regulation not only promotes health and safety, but it also creates jobs for American people.

* Supports the CAA; CWA; Safe Drinking Water Act; Safe Drinking Water Act Compliance Assistance and Monitoring; NPDES; Endangered Species Act; Municipal Solid Waste Landfill Air Pollution Standards; RCRA Corrective Action; Ozone Layer Protection Regulatory Programs; Comprehensive Environmental Response, Compensation, and Liability

Act of 1980; Beaches Environmental Assessment and Coastal Health Act; Hazardous Waste Act; and Hazardous Waste Compliance Monitoring.

* Believes that stronger regulations are needed to ensure that drinking water is not polluted during fracking operations. Fracking involves pushing thousands of chemicals into the earth, and only about 50 percent of those chemicals are later extracted. The rest of the chemicals infiltrate various systems (water systems, food/planting, etc.).

Tim Herman, Whitehouse, OH

Docket ID: EPA-HQ-OA-2017-0190-1776

* Opposes a rollback of environmental regulations in the name of "job growth."

* Environmental regulations create new and diverse employment opportunities and a niche for small businesses to establish themselves and grow. These jobs diversify the workforce and are much more resilient than the low-level positions for large corporations.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-2412

* Repealing environmental regulations will lead to greater costs and burden on local communities, small businesses, and the middle class. If regulations are repealed, industries will be allowed to pollute our air, soil, and water, which will lead to greater risk of illness and disease. Also, the cost of cleaning up polluted resources will ultimately fall on communities and local municipalities.

Jed Anderson, Environmental Attorney with the AL Law Group and an Adjunct Professor of Law at the University of Houston Law School

Docket ID: EPA-HQ-OA-2017-0190-0226

Mr. Anderson offered a proposal that reduces regulations by approximately 75 percent and provides considerations for small businesses while improving air quality (see attachment to comment, The Clean Air Act Reauthorization of 2017):

* The proposal could be accomplished via reforms to the CAA or potentially by consolidating statutory programs via a regulation or EO that creates an alternative means of compliance and consolidates compliance.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-3315

* EPA regulations restrict some small businesses, which affects their revenue and increases their expenses. Some companies rely on income from natural resources, which may include the destruction of the environment.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-3374

* EPA should help small businesses navigate the compliance of regulations and speed up the environmental impact statement comment process. This would help small business owners reduce a vast amount of overhead and reduce delays in all sorts of business proposals.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4223

* EPA creates one set of standards and regulations for companies, corporations, and citizens to comply with. Without these EPA regulations, there will be 50 different regulations and standards. Some will be stricter, and some will be looser. Having different regulations will be confusing and difficult for small businesses, corporations, or citizens to comply with. When there were no EPA regulations, there were polluted rivers, acid rain, and a hole in the ozone layer.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4236

* Disagrees that EPA regulations eliminate or inhibit jobs. Rather, they create jobs for small and large businesses. These jobs include environmental firms, site cleanup specialists, water/air quality engineering and research firms, alternative energy material manufacturers, and the wind and solar industry. States that solar and wind jobs are growing at a rate 12 times as fast as the rest of the U.S. economy.

* EPA regulations and reforms are necessary and provide benefits to the American people that outweigh any perceived or potential burdens. Reducing regulations would impair public health via decreased water and air quality and through global warming, which are already costing Americans billions of dollars from unpredictable weather patterns and natural disasters.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4253

* Believes that the applicability threshold in 40 CFR Part 63, subpart JJJJJJ, is too low (10 MMBtu/hr) and should be raised to 30 MMBtu/hr. The primary sources impacted by this regulation include small businesses, high schools, middle schools, and hospitals.

* States that the staff at those facilities generally have no experience interpreting regulations or are unaware that they are responsible for complying with new federal regulations. The burden for informing these small businesses and institutions of this requirement falls upon the state and local agencies that are already understaffed and overburdened.

Frank Gaudet, PE, Regulatory Compliance Services, Inc.

Docket ID: EPA-HQ-OA-2017-0190-4326

Mr. Gaudet is a small business owner and environmental engineer with 32 years of experience. His business assists other small businesses with compliance in almost all areas of EPA regulations, including hazardous waste, community right to know, air, wastewater and stormwater. Mr. Gaudet provided the following comments:

* Believes that many regulations need updating. Many of these regulations have not been reviewed since they were originally promulgated, and they contain rules that are awkward, outdated, or reflect old technology.

* As an example, the RCRA regulatory definition for the term "solid waste" includes liquid and gas. Recommends changing the term to "waste."

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4423

* Recommends elimination of the Once-In, Always-In Policy for major sources. Many facilities are still subject to the MACT standards even though they are below the threshold of 10/25 tons per year. Believes that recordkeeping, emission calculation, and administrative errors have caused many facilities to be major sources even though they are not. The Once-In, Always-In Policy has prevented these companies from removing the major source designation.

* The NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity places a disproportionate burden on small businesses. Believes that stormwater monitoring should be eliminated for facilities less than 25 acres, if the company employs BMPs. Quarterly stormwater monitoring is time consuming and costly. Small businesses that have implemented BMPs often do not have violations and therefore should not be required to perform the quarterly stormwater monitoring.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4465

* EPA regulations create jobs for small businesses. As an example, green completions for oil and gas wells provide an opportunity for small businesses that innovate and improve technology and create opportunities for consultants who help companies meet the requirements in efficient and cost-effective ways.

Eric Miller, Mansfield, OH

Docket ID: EPA-HQ-OA-2017-0190-4465

* Disagrees with the premise of EO 13777 that environmental regulations cost jobs and reduce prosperity. Believes that these environmental regulations have the opposite effect.

* As an example, if people who own small businesses and homes in an area find out their water supply is poisoned with lead, they would not then be able to sell their homes or businesses, because no one wants to live there anymore.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4585

* Small business owner who believes that it is each individual's responsibility to strive to have as little negative impact as possible on his or her employees, customers, community, supply chain, and world.

* There are costs that come with mitigating risks and harm; for small businesses, those costs represent a greater percentage of profits than for multinational organizations.

* Urges the administration to keep policies in place to protect American citizens and the environment. The decisions made today will have an impact for generations to come.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4610

* Small business owner who has not found federal environmental laws and regulations to be onerous or taxing.

* Believes that the CAA and CWA, along with other regulations, have markedly improved the air and water in communities.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4726

* Supports EPA to protect the environment, and thus the health of America.

* Believes that repealing regulations helps big corporations make more profit, it but does not help small businesses or American citizens.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4753

* Small business renovation contractor who has taken the EPA-mandated courses and is registered with EPA as a lead safe renovator.

* States that the EPA rules place the full burden and liability on the contractor in charge, which makes the small business vulnerable to liability. Notes that it is expensive to obtain a general liability insurance policy that covers the business for lead.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4942

Environmental scientist with over 30 years of experience as a state regulator and consultant provided the following comments on RCRA, TCSA, Superfund, asbestos, and other issues:

* RCRA

o Believes that the RCRA corrective action program is more concerned about "bean counting" than environmental protection. States that regulatory staff regularly apply pressure on small businesses to change their fiscal priorities in order to quickly address low-risk items to meet Agency goals and to document the program's "success."

o The sites covered by RCRA are only a few percent of the total number of sites needing attention. They frequently present very low risk to human health and the environment, but they become a higher priority than other sites because they are tracked in a specific federal database and reported annually to Congress.

* TCSA

o Believes that TSCA regulations (most notably for PCBs) are inflexible in comparison to other EPA programs.

o States that trace levels of PCBs in window caulk, widely used in the 1950s and 1960s, must be removed regardless of whether it poses a risk. This removal is creating havoc on local school budgets for any building undergoing renovation.

* EPA Superfund program

o Believes that the EPA Superfund program is incredibly wasteful.

o For example, at Durham Meadows over a million dollars was spent to remove lead that exceeded criteria, even though it was related to native minerals and not releases at the metalworking facility. Believes that the site was not a significant risk to health since public water was extended as the final solution and that public exposure to the soils could have been much more cost effectively achieved by capping.

o Believes that the EPA Superfund program is also incredibly slow in making decisions, by delaying the implementation of remedial measures until multiple layers of review and comment are completed.

* Asbestos

o EPA is presently regulating all asbestos minerals alike, although research shows that only one of the three major asbestos minerals is a significant health risk.

o EPA continues to require costly remedial measures for the demolition of old buildings, requiring all asbestos to be treated alike.

o Recommends that EPA be required to perform an open-minded review of the toxicological data.

The commenter also commented on the banning of incandescent light bulbs, the protection of mountain lion habitats in New England, the amount of training for Occupational Safety and Health Administration Hazardous Waste Operations and Emergency Response Standard status for entry into "uncontrolled" hazardous waste sites, and the difficulty to obtain permission to fill a tiny 100-year-old manmade fire pond on a former industrial site.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-4959

* Small business owner who believes that regulations enforced by EPA are critical to ensuring that the United States retains the resources it has in perpetuity.

* Clean air and water regulations protect the health and longevity of the ecosystems on which the continued prosperity of the country relies.

* Recommends that EPA consider actions in terms of their effect on seven generations, not simply their immediate economic impact.

Charles Redell

Docket ID: EPA-HQ-OA-2017-0190-5013

* Small business owner who is opposed to the rollback of regulations designed to protect the environment.

* Believes that the argument that environmental regulations cost this nation money and jobs is false. As an example, states that the small coffee business that he runs would collapse if the nation's water goes back to being as polluted as it once was before the CWA.

* States that the effects of global warming would kill crops his business needs to survive, and the repeal of regulations would allow pollutants that caused the acid rain to be emitted into the atmosphere again.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5175

* Believes that none of the EPA regulations are "outdated, unnecessary, or ineffective," "impose costs that exceed benefits," "eliminate jobs," or "inhibit job creation." Believes that ensuring a clean environment instead creates jobs.

* As an example, OMB estimates that regulatory benefits exceed regulatory costs by 7 to 1 for significant regulations. EPA estimates that the regulatory benefits of the CAA exceed costs by a ratio of 25 to 1. Similarly, a study of EPA rules issued during the Obama Administration found that their regulatory benefits exceeded costs by a ratio as high as 22 to 1.

* Many evaluations of regulations by EPA and the Occupational Safety and Health Administration found that the regulations are still necessary and do not produce significant job losses or have adverse economic impact on the regulated industries, including small businesses.

* The American Lung Association recently released a survey showing that three out of four voters support EPA in setting tougher standards on specific air pollutants, including mercury, smog, and carbon dioxide, as well as setting higher fuel efficiency standards for heavy-duty trucks.

* Working with EPA, the State of California reduced the number of Stage 1 Smog Alert days in southern California from 121 days in 1977 to zero days since 1997.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5410

* Supports strong environmental regulations. Believes that it would be a huge step backwards to start unwinding the federal policies that have resulted in such widespread environmental improvement.

* Streamlining compliance with existing and new regulations would be a great thing for small businesses.

* Recommends that cost/benefit analyses of regulations include a proper accounting of the non-economic (i.e. environmental and ecosystem service) benefits of these regulations.

* Urges the Regulatory Reform Task Force to consider whether existing rules are strict enough given advances in the science of each of the regulated pollutants. Notes that in many cases, the human, animal, or environmental health risks begin at much lower exposure levels than currently mandated limits.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5678

* The government should regulate clean air, regulate clean water, tax fossil fuel companies, support small renewable energy businesses, and sponsor policies that encourage American innovation in the environmental sector.

Anonymous public comment

Docket ID: EPA-HQ-OA-2017-0190-5884

* Father owned a small business for 40 years that made air pollution control equipment. His business supported his employees and children for decades and protected the environment.

APPENDIX A: LIST OF INDIVIDUALS REGISTERED FOR THE
APRIL 20, 2017 WEBINAR*

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APPENDIX B: REGISTRATION LIST FOR THE APRIL 25, 2017 PUBLIC
OUTREACH MEETING*

Organization

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Contact Information

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Brian Pope

Topic: Fenceline Monitoring and Tier III Gasoline Standards

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IPC - Association Connecting Electronics Industries

Fern Abrams

Director of Regulatory Affairs and

Government Relations

Topic: Resource Conservation and Recovery Act, Listed Hazardous Waste F006 and
Definition of Solid Waste Act; discussing TRI reporting for lead, particularly the 2001
rule

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National Grain and Feed Association

Jess McCluer

Vice President

Topic: NSPS Subpart DD - Standards of Performance for Grain Elevators

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Wiley Rein LLP

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American Wood Council

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Moms Clean Air Force

Gretchen Dahlkemper

Director, Clean Air Moms Action

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Michael Mittelholzer

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- * Construction General Permit (CGP) under the Clean Water Act Section 402
- * Definition of "waters of the U.S." also under the Clean Water Act, and
- * Renovation, Repair, and Painting (RRP) rule under the Toxic Substances Control Act

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Office of Enforcement and Compliance Assurance

Caroline Emmerson

**This list comprises the individuals who registered for the meeting. EPA did not take roll during the meeting to confirm that each of these individuals attended.

APPENDIX C: MATERIAL PROVIDED TO EPA DURING APRIL 25, 2017 MEETING- PROVIDED BY PAUL SCHLEGEL, DIRECTOR, ENERGY AND ENVIRONMENT TEAM, AMERICAN FARM BUREAU FEDERATION

Statement by American Farm Bureau Federation

To

U.S. Environmental Protection Agency On Implementing Executive Order 13777

The American Farm Bureau Federation commends EPA for holding this meeting and giving stakeholders an opportunity to identify rules that create unnecessary regulatory burdens for farmers and ranchers. AFBF is the nation's largest general farm organization, representing producers in all 50 states and Puerto Rico. Our members are engaged in virtually every facet of agricultural crop and livestock production and are directly affected by a wide range of EPA regulations.

EPA recently opened a docket (EPA-HQ-OA-2017-0190) to receive comments that will be reviewed by the agency's Regulatory Reform Task Force. AFBF will file more extensive comments to this docket, but we highlight below several particularly important

regulations that need review, modification or repeal. At the outset, we wish to make a general observation.

AFBF supports water and air standards that reflect the intent of Congress in protecting our natural resources. We do not view this initiative as undermining those protections, nor would we suggest it should. The docket the agency has opened, however, Docket No. EPA-HQ-OA-2017-0190, has already received thousands of comments, many of them anonymous and misconstruing or misinterpreting the purpose of EO 13777; many of these comments ask the agency to abandon the effort, seemingly on the grounds that any revision of any rule, regardless of the rules defects, will undermine environmental protections. We do not share that view and we urge the agency not to be dissuaded from the responsibility it has in fulfilling EO 13777. Nothing in the EO asks or requires the agency to ignore-nor could it relieve the agency of its statutory requirement to implement-the environmental laws Congress has passed.

Regulations we recommend be evaluated and modified by EPA

1. Federal Jurisdiction under the Clean Water Act ("Waters of the US" (WOTUS))

On February 28, President Trump signed an executive directing EPA to review the WOTUS rule and publish a proposal rescinding or revising it. AFBF strongly supports that initiative and urges EPA to pursue this effort aggressively. Specifically, we ask the agency to undertake the following:

- a. To repeal the existing rule (80 Fed. Reg. 37054).
- b. In a separate rulemaking, to propose a revised rule that more closely adheres to the language of the Clean Water Act and Supreme Court decisions in *Riverside Bayview*, *SWANCC* and *Rapanos*.

2. Clarification of regulations under the Clean Water Act

There are a number of regulations that implement the Clean Water Act. The following have a significant impact on agricultural production:

a. Spill Prevention, Control and Countermeasures (SPCC) rule

EPA has been granted flexibility by Congress in determining the appropriate threshold for farms to be exempt from SPCC. In a study mandated by the Water Resources Reform and Development Act of 2014 (WRRDA). EPA took the most restrictive approach possible, arguing implausibly that "lack of evidence that farms are inherently safer than other types of facilities" dictates a stricter standard-even though there is virtually no history of spills from agricultural facilities and the existing standards are based on risks posed by industrial facilities that are not comparable to farms. We urge EPA to revisit this rule and to adopt a 6,000-gallon threshold-or higher if possible-which reflects the reality of the risk posed by agricultural operations.

b. Normal farming activities under the Clean Water Act

Sec. 404(f) of the Federal Water Pollution Control Act (33 USC 1344(f)(1)) provides an exemption from permitting for a wide range of normal farming and ranching activities, including plowing, seeding, cultivating and harvesting for the production of food, fiber, and forest products. That section of the law also exempts construction or maintenance of farm or stock ponds or irrigation ditches and maintenance of drainage ditches. Even though this language is written in the law, EPA has increasingly used its regulatory and enforcement authority to narrow its interpretation of what constitutes a normal farming activity. We urge the agency to clarify its regulations and to grant farmers and ranchers the full exemption Congress intended. Congress has included appropriations riders directing EPA and the U.S. Army Corps of Engineers to eliminate funding for 404(f)(2); however, EPA and the Corps have ignored Congress' directives.

c. Prior Converted Cropland

Over two decades ago, EPA promulgated regulations that said wet lands converted before 1985 into farmland were prior converted croplands (PCC) and were therefore not "waters of the U.S." Yet EPA in recent years has attempted to erode this exemption and re-regulate these lands. EPA should affirmatively act to ensure that PCC lands are not subject to wetlands regulations regardless of how the land is used.

3. Worker Protection Standards (WPS) rule

In the WPS rule promulgated in September 2015, EPA included a provision that permits

anyone claiming to be a designated representative (DR) to gain access to a farmer's proprietary records relating to pesticide use. Although the Federal Insecticide, Fungicide and Rodenticide Act requires EPA to share any regulation with Congress before it is signed by the Administrator, EPA inserted the DR provision into the final version of the WPS rule without first sharing it with Congress. More importantly, the DR provision provides farmers with no protection from fraudulent or counterfeit claims; does not provide any assurance that records released will be shared with workers; and imposes no constraints on what DRs may do with the documentation once it is obtained. We strongly urge EPA to revisit this provision in the WPS and propose eliminating it entirely.

4. Corps of Engineers Regional Supplements

In 1993, Congress directed the Corps to utilize its 1987 National Wetlands Delineation Manual to identify regulated wetlands until such time as a final manual is adopted. Rather than adopt a new Manual, the Corp has expanded its regulatory authority through regional supplements that further relax the criteria for identifying wetlands. Both the manual and its supplements are moving targets that allow for expansion for federal control over private lands. Yet neither has ever been subject to the rigors of a transparent rulemaking. We strongly urge EPA, as the agency with primary authority under the Clean Water Act, to work with the Corps to eliminate the regional supplements. We further recommend that EPA conduct a formal rulemaking to finalize the criteria used to define a jurisdictional wetland as required by statute in 1993.

As stated earlier, AFBF will be filing more extensive comments in the docket. However, we highlight these specific rules as particularly necessary to be addressed. We welcome the opportunity to provide these comments and will be pleased to work with the agency on this important effort.

APPENDIX D: LIST OF REGULATIONS/PROGRAMS IDENTIFIED BY COMMENTERS AS CANDIDATES FOR REPEAL, REPLACEMENT, OR MODIFICATION

Common Name (Acronym)

Regulatory Citation

No. of Comments

Clean Water Rule, or Waters of the United States Rule

33 CFR 328 - Definition of Waters of the United States

8

Toxic Substances Control Act (TSCA)

7

Part 63 Once-In Always-In

40 CFR 63, subpart A

5

Spill Prevention, Control, and Countermeasure (SPCC)

40 CFR 112 - Oil Pollution Prevention

4

National Pollutant Discharge Elimination System (NPDES)

40 CFR 122 - National Pollution Discharge Elimination System

4

Clean Power Plan (CPP)

40 CFR 60, subpart UUUU - Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units

3

Toxic Release Inventory (TRI)

40 CFR 372 - Toxic Chemical Release Reporting: Community Right to Know

3

Lead Renovation, Repair and Painting Rule

40 CFR 745 - Lead-Based Paint Poisoning Prevention in Certain Residential Structures

3

Regulation of Fuels and Fuel Additives

40 CFR 80 - Regulation of Fuels and Fuel Additives

3

New Source Review (NSR)/

Prevention of Significant Deterioration (PSD)

40 CFR 51, subpart I - Review of New Sources and Modifications, Section 51.165 - Permit requirements.

40 CFR 51, subpart I - Review of New Sources and Modifications, Section 51.166 - Prevention of significant deterioration of air quality.

2

National Ambient Air Quality Standards (NAAQS)

40 CFR 50 - National Primary and Secondary Ambient Air Quality Standards

40 CFR 51 - Requirements for Preparation, Adoption, and Submittal of Implementation Plans

2

Composite Wood Products Formaldehyde Standard

40 CFR 770 - Formaldehyde Standards for Composite Wood Products - under Formaldehyde Standards for Composite Wood Products Act, or Title VI of the Toxic Substances Control Act (TSCA)

2

Oil and Gas Methane New Source Performance Standards (NSPS)

40 CFR 60, subpart OOOOa - Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015

2

Volatile Organic Compound (VOC) Standards for Consumer and Commercial Products

40 CFR 59, subpart E - VOC Standards for Consumer and Commercial Products

2

Chemical Manufacturing Area Sources (CMAS)

40 CFR 63, subpart VVVVVV - National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources

2

Mercury and Air Toxics Rule (MATS)

40 CFR 63, subpart UUUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units

1

Disposal of Coal Combustion Residuals

40 CFR 257, subpart D - Standards for the Disposal of Coal Combustion Residuals in Landfills and Surface Impoundments

1

Risk Management Program Rule (RMP)

40 CFR 68 - Chemical Accident Prevention Provisions

1

Regional Haze

40 CFR 51, subpart P - Protection of Visibility

1

General Duty Clause

CAA Section 112(r) (1)

1

Refinery National Emission Standard for Hazardous Air Pollutants (NESHAP) Fenceline Monitoring

40 CFR 63, subpart CC - National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries - Section 63.658 - Fenceline monitoring provisions

1

Plywood and Composite Wood Products Maximum Achievable Control Technology (MACT)

40 CFR 63, subpart DDDD - National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products

1

Grain Elevator NSPS

40 CFR 60, subpart DD - Standards of Performance for Grain Elevators

1

Boiler MACT

40 CFR 63, subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters

1

Transportation Conformity

40 CFR 93, subpart A - Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded or Approved Under Title 23 U.S.C. or the Federal Transit Laws

1

Oil and Gas Effluent Guidelines

40 CFR 435, subpart C - Effluent Guidelines and Standards, Oil and Gas Extraction Point Source Category

1

Oil and Gas Control Techniques Guidelines (CTGs)

Control Techniques Guidelines for the Oil and Natural Gas Industry

1

Startup, Shutdown, and Maintenance

40 CFR 63, subpart A

1

Electric Arc Furnace (EAF) Steelmaking NESHAP

40 CFR 63, subpart YYYYY - National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities

1

Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles - Phase 2

40 CFR 1037 - Control of Emissions from New Heavy-Duty Motor Vehicles

1

Summertime Fuel Standards

40 CFR 80.27 - Regulation of Fuels and Fuel Additives

1

Superfund Landowners Standards

40 CFR 312 - Superfund Innocent Landowners Standards for Conducting Inquiries

1

Boiler Area Source NESHAP

40 CFR 63, subpart JJJJJ - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

1

Asbestos Emission Standard

40 CFR 61, subpart M - National Emission Standard for Asbestos

1

Part 63 General Provisions

40 CFR 63, subpart A - General Provisions

1

Paint Stripping/Auto Body Rule

40 CFR 63, subpart HHHHHH - Paint Stripping and Surface Coating Area Source NESHAP

1

Worker Protection Standard

40 CFR 170 - Worker Protection Standard

1

Hazardous Waste Regulations

40 CFR 260-265, 268, 270, and 2279 - Hazardous Waste Regulations

1

Petroleum Dry Cleaner NSPS

40 CFR 60, subpart JJJ - Petroleum Dry Cleaner NSPS

1

Summertime Fuel Standard

40 CFR 80.27 - Summertime Fuel Standard

1

Wetlands Delineation Manual

40 CFR 232, 1987 Army Corps of Engineers Wetland Delineation Manual

1

Resource Conservation and Recovery Act (RCRA) Hazardous Waste Generator Improvements Rule

Volume 81 of the Federal Register, page 85732, Hazardous Waste Generator Improvements Rule

1

Superfund

EPA Superfund Program, established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980

1

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